

May 14, 1999

The City of Lincoln permits **TEMPORARY CONCRETE BATCH PLANTS** in any zoning district by administrative permit issued by the Planning Director.

**PROCEDURE:**

Applications for the administrative permit shall be submitted to the Planning Department and include 7 copies:

- 1. A site plan, drawn to scale, showing the entire limits of the permit area including the plant location, material storage areas, and the ingress/egress;
- 2. A dust control and suppression plan including the plant operations and haul roads to and from plant to project;
- 3. A statement indicating the typical hours of operation. The plant may operate no more than 14 hours per day, except on New Year Day, Memorial Day, the 4<sup>th</sup> of July, Labor Day, Thanksgiving Day, and Christmas when the operation shall not begin before noon;
- 4. A description or manufacturer's specification regarding particulate control equipment;
- 5. A copy of a signed contract or other verification that the applicant is under contract to supply concrete for a project requiring at least three thousand (3,000) yards of concrete located within the same section or one mile of the permitted plant. The contract or other verification shall include the commencement and ending dates of the project. The Planning Director may increase the one mile distance limit to no more than 2 miles if necessary to avoid routing trucks through local streets or inadequate county roads, or locations near occupied dwellings, schools, libraries, churches, or other noise or dust sensitive uses; and
- 6. A noise control plan that will allow the operation to comply with chapter 8.24 of the Lincoln Municipal Code.
- 7. A copy of a signed lease or other verification that the applicant has permission of the owner of the land upon which the plant shall be located to locate the plant thereon.
- 8. The applicant shall submit a performance bond satisfactory to the City Attorney in the amount of \$5,000 to guarantee performance and clean up of the permit site.

***The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln-Lancaster County Health Department.***

**FEES:**

Application fee,	\$100
Administrative fee	\$50

Fees are payable to the City of Lincoln and must accompany the application.

**CONDITIONS:**

The administrative permit shall be issued under the following conditions:

1. The plant shall be located on premises in the same section or within one mile of the project identified on the application or as authorized under subparagraph (5) above.
2. The silo, batch plant, and aggregate storage shall be located no closer than 300 feet from an occupied dwelling or from any school, church, library, early childhood care facility, hospital, motel, or park;
3. The permittee shall require its suppliers to use only paved roads approved by the Director of Public Works or the County Engineer as the case may be, for the delivery of supplies to the concrete batch plant. The permittee shall further require that the drivers of concrete trucks leaving the plant also use said paved roads. EXCEPTION: The use of nonpaved roads may be approved on a case by case basis by the Director of Public Works or County Engineer. Additional bonding may be required to pay for repairs of damage to such nonpaved roads.
4. The plant shall be removed upon completion of the project identified in the application; or upon construction and occupancy resulting in a violation of subparagraph 2 above. The permit site shall be cleaned up and restored to its pre-permit condition within thirty (30) days following the completion of the project.
5. All concrete produced by this plant shall be used to complete the project, except that the permittee may use the concrete product for sidewalks, driveways, foundations, parking lots, and other small concrete work to be performed by the permittee. The concrete shall not be provided for concrete work to be performed by persons other than the permittee. The amount of concrete produced for small concrete work shall not exceed 50% of that produced for the project.
6. The plant shall be recalibrated to the satisfaction of the Public Works & Utilities Department prior to construction of any public improvement using concrete produced by this plant;
7. The anticipated set up and removal dates shall be identified on the application. Amendments to these dates must be requested to the Director of Planning in writing.
8. The applicant shall submit a performance bond satisfactory to the City Attorney in the amount of \$5,000 to guarantee performance and clean up of the permit site.
9. The Planning Director shall not issue a permit or renew a permit without written approval by the Director of the Lincoln-Lancaster County Health Department.

**EXPIRATION:**

Permits issued pursuant to this section shall expire on December 31 of each year or the completion date of the project as set forth in the permit application, whichever is earlier. The Planning Director may extend the expiration date by an administrative amendment upon a showing that the project completion is delayed by weather or other causes beyond control of the permittee, or that the permittee has contracted for another project in conformance with subparagraph (a) above; however, no extension of the expiration date may extend the permit beyond December 31 of the year of issuance. Renewal of a previously issued permit shall be by application in the same form as the original permit.

**PERMIT MAY BE REVOKED:**

The Planning Director may revoke the temporary permit for any one or more of the following violations:

1. Failure to operate the facility in accordance with the provisions of this section or with the approved application.
2. A violation of any city, county, state, or federal law.
3. Denial of access to the site to determine compliance with this section.
4. Unreasonable noise or disturbance to the surrounding neighborhood.

The action of the Director of Planning in approving, denying, refusing to renew or revoking a permit pursuant to this section may be appealed. Any aggrieved person may appeal the action of the Director of Planning to the Planning Commission by filing notice of appeal with the Planning Director within 14 days following the decision of the Planning Director. Final action by the Planning Commission may be appealed to the City Council by any aggrieved person by filing notice of appeal with the City Clerk within 14 days following the action by the Planning Commission.

*This document is an interpretation of Section 27.71.120 (c) of the City of Lincoln Zoning Ordinance and Ordinance #17501 approved by the City Council on May 3, 1999.*